



Chautauqua Lake Association, Inc.

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January 5, 2018

Ms. Rebecca Haines, Town Clerk
Town of Ellery
P.O. Box 429
Bemus Point, New York 14712
Via email: ellerytc@windstream.net

Re: Comments On The Draft Scoping Document – DSEIS Chautauqua Lake Herbicide Treatment

We offer these comments along with an expression of dissatisfaction with the amount of time made available by the Town for documents review. We were only able to give a cursory review of the materials as there were only 10 business days during the review period that our office was open for business due to weekends and holidays closing. We also express our dissatisfaction that the review process was not generally publicized in the media, beyond minimum requirements, so that all community members would be aware of the opportunity to comment.

Specific items of comment are:

- Figure 1 exhibits Potential Littoral Zone Management Areas but does not exhibit specific planned program treatment areas, acreage of each and products to be utilized in each nor does the map exhibit special areas within the littoral zone within which treatment should not occur due to the presence of rare plant species, the fishery and other environmental factors. The map needs to be expanded to include such or other maps about such need to be provided. Important scoping comments cannot be offered absent this information.
- A Table needs to be included that details program acreage data, including: specific treatment sites per product utilized, %s of littoral zone to be treated, data exhibited by rotational treatment years.
- Impacts of the program upon the herbivores needs to be discussed.
- Given that harvested and shoreline clean-up/floating vegetation materials are currently disposed of on farm land, a discussion needs to occur about how the composition of such materials will be affected by the program, including needed requirements to regularly analyze the materials' plant chemistry.
- Only studies and data gathering results reports that have been publicly published and thus vetted by peer review should be utilized in the SEIS. Unpublished and non-peer reviewable work lacks credibility and should not be utilized.
- Content authors need to be identified and described.
- Outdated reference/resource materials need to be discarded and replaced by current information.
- How comments received will be treated and published needs to be specified.
- Program outcome goals need to be identified



- Fishery impacts, especially muskellunge, walleye, bass, paddlefish and perch, need to be identified.
- Drinking water intakes impacts, mitigations and loss of use aspects need to be detailed.
- How the project SEIS specifically affects the current SEIS needs to be stipulated.
- Since Chautauqua Lake is a multi-purpose utilized lake, how the project action will affect the multi-uses needs to be stipulated per use.
- Since Chautauqua Lake is used in a manner that most users utilize the whole lake, how all lake users will be notified of the action's occurrence and related lake use restrictions needs to be stipulated.
- Program justifications need to be limited to the project action: Herbicide Treatment. Other lake problems should not be utilized to justify the project action.

Additionally, we offer the following comments in regard to the introduction verbally expressed by the Hearing Officer at the commencement of the December 28, 2017, Public Hearing and which are thus in the public record, comments which need to be further addressed in the public record in regard to any future justifications for the project action.

- Factual data needs to be presented to evidence those comments that:
 - Invasive species are worse now than they have ever been
 - Recreational use has declined
 - Tourism is troubled
 - Businesses have suffered
 - What effect the use of the herbicide program will have upon the on-going efforts towards reducing lake water nutrient content
 - Lake conditions have deteriorated over the last 25 years

Lastly, we ask that a greater amount of time be provided in the future for response and input to each subsequent phase of the DSEIS development. And, local and distant lake community members need to be better approached for input. The 1990 SEIS development process included public involvement in every step of the SEIS' drafting that has not happened this time to date. The 1990 public involvement method needs to be replicated going forward.

Although we are offering the above comments, please do not construe such as changing our position of November 28 that either the NYS Department of Environmental Conservation or Chautauqua County should serve as Lead Agency in this matter and that it is inappropriate for the Town Of Ellery to be the Lead Agency.

Respectfully,



Paul O. Stage, CFP®
President

cc: CLA Board
NYSDEC